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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,699	02/22/2002	Mitsutoshi Nakamura	15162/04300	1268
24367	7590	12/01/2004	EXAMINER	
SIDLEY AUSTIN BROWN & WOOD LLP			DI GRAZIO, JEANNE A	
717 NORTH HARWOOD			ART UNIT	
SUITE 3400			PAPER NUMBER	
DALLAS, TX 75201			2871	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,699

Applicant(s)

NAKAMURA, MITSUTOSHI

Examiner

Jeanne A. Di Grazio

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-2,4-13 and 15-21 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species A, claims 1-2 and 4-9, drawn to an image forming method for forming an image on a reversible thermo-sensitive recording medium provided with a recording layer containing liquid crystal that exhibits a cholesteric liquid crystal phase comprising the steps of a first heating process for heating the liquid crystal in a crystal phase to a first temperature that allows the liquid crystal to exhibit a cholesteric liquid crystal phase or an isotropic phase to form an image and a second heating process that allows the area where the image has been formed by the first heating process to discolor or develop color without external pressure.

Species B, claims 10-12, drawn to an image forming method for forming an image on a reversible thermo-sensitive recording medium provided with a recording layer containing liquid crystal that exhibits a cholesteric liquid crystal phase comprising the steps of selectively setting portions of the liquid crystal in a crystal phase and a fixed phase (both in a first process) and a second process for discoloring or developing a color of at least a part of the portion(s) set in the fixed phase thus discoloring or developing a color of at least a part of the image.

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Species C, claims 13 and 15-17, drawn to an image forming method for forming an image on a reversible thermo-sensitive recording medium provided with a recording layer containing liquid crystal that exhibits a cholesteric liquid crystal phase comprising the steps of heating an area to transition the liquid crystal from a crystal phase to a cholesteric liquid crystal phase and changing a color of a portion of an area by heating the portion to a second temperature lower than that of the first temperature.

Species D, claims 18-19, drawn to an image forming method for forming an image on a reversible thermo-sensitive recording medium provided with a recording layer containing liquid crystal that exhibits a cholesteric liquid crystal phase comprising the steps of a first heating process for heating the liquid crystal in a crystal phase to a first temperature that allows the liquid crystal to exhibit a cholesteric liquid crystal phase or an isotropic phase to form an image and a second heating process for heating a whole area of the recording medium containing at least a part of an area where the image has been formed to allow at least a part of the image to discolor or develop a color.

Species E, claim 20, drawn to an image forming method for forming an image on a reversible thermo-sensitive recording medium provided with a recording layer containing liquid crystal that exhibits a cholesteric liquid crystal phase comprising the steps of a first heating process for heating the liquid crystal in a crystal phase to a first temperature that allows the liquid crystal to exhibit a cholesteric liquid crystal phase or an isotropic phase to form an image

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and a second heating process whole of an area where the image has been formed to a second temperature discolor or develop color without external pressure.

Species F, claim 21, drawn to an image forming method for forming an image on a reversible thermo-sensitive recording medium provided with a recording layer containing liquid crystal that exhibits a cholesteric liquid crystal phase comprising the steps of a first heating process for heating the liquid crystal in a crystal phase to a first temperature that allows the liquid crystal to exhibit a cholesteric liquid crystal phase and changing a color of all or a portion of the area to a second temperature lower than the first temperature.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

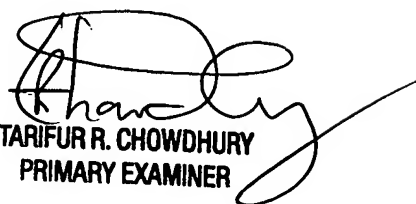
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanne A. Di Grazio whose telephone number is (571)272-2289. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached on (571)272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeanne Andrea Di Grazio
Patent Examiner
Art Unit 2871

JDG


TARIFUR R. CHOWDHURY
PRIMARY EXAMINER